



UNIVERSITY *of* GREENWICH

VICE-CHANCELLOR'S OFFICE

**PUBLIC INTEREST DISCLOSURE (“WHISTLEBLOWING”) POLICY
AND PROCEDURES**

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PUBLIC INTEREST DISCLOSURE ('WHISTLEBLOWING') POLICY AND PROCEDURE

Whistleblowing is when a person discloses information which they reasonably believe shows wrongdoing or unlawful behaviour, and where it is in the public interest to make the disclosure. This policy explains what types of concerns can be raised, and how. It also explains how the University will respond to the concern being raised, including where another University policy is more appropriate.

1. Introduction

- 1.1 The University is committed to the highest standards of openness, probity and accountability and encourages a free and open culture in dealings between its officers, employees and all people with whom it engages in business and has legal relations. In particular, the University recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured. It seeks to conduct its affairs in a responsible manner taking into account the requirements of funding and regulatory bodies, relevant governance codes and standards, and the standards in public life set out in the reports of the Committee on Standards in Public Life (in particular, the [seven principles of public life](#) articulated by the committee, known as the 'Nolan Principles').
- 1.2 The Public Interest Disclosure Act 1998 (the Act) gives legal protection to employees and former employees against being dismissed or suffering detriment as a result of publicly disclosing certain serious concerns. It aims to promote greater openness in the workplace and all University's employees are obliged by their contract of employment to give honest and faithful service to their employer. This includes an obligation not to disclose confidential information about the University's affairs, unless it is in the public interest to do so, and the disclosure is made in line with this policy.
- 1.3 This policy applies to members of the University, meaning employees of the University, workers employed by the University's contractors or agencies, members of the University's Governing Body and students. Where a member of the University discovers information which they believe shows malpractice/wrongdoing within the University then this information should be disclosed without fear of reprisal, and may be made independently of line management. Members of the University are expected to use this procedure rather than air their complaints outside the institution. It would not be a breach of this policy, however, where a disclosure is made to one of the agencies that has been designated as a [prescribed third party](#) to whom public interest disclosures may be made. Wider disclosure, for instance to the media, is not to a prescribed third party and such disclosures, even where made in the public interest, may not be protected under the Act and may be considered a breach of this policy. Advice and guidance are available from [Protect, the whistleblowing charity](#), the University's trade unions, Greenwich Students' Union, or [Citizens Advice](#).
- 1.4 Members who make disclosures under this policy that they reasonably believe are substantially true, and who do not make disclosures for the purpose of personal gain, will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

2. Scope of Policy

- 2.1 The two main aims of this policy are a) to allow members of the University as described above to raise concerns and/or disclose information about possible malpractice or wrongdoing; and b) to provide guidance to members of the University who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence (see 4.1 below for more detail). It is not designed to question financial or business decisions taken by the University, nor may it be used to reconsider any matters which have already been addressed under harassment, complaint, grievance or disciplinary procedures. However, this policy may be used to address concerns around systemic mishandling of complaints under such procedures.
- 2.2 This policy is intended to cover disclosures of information which are in the public interest. These might include where the person making the disclosure reasonably believes that the information tends to show:
- that a criminal offence has been committed, is being committed or is likely to be committed;
 - that a person has failed, is failing or is likely to fail to comply with any legal or regulatory obligation to which they are subject;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - that the health or safety of any individual has been, is being or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged;
 - academic, professional or financial malpractice or impropriety or fraud; and/or
 - that any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

If the University Secretary (or alternate), having applied the appropriate public interest test, determines that it is not in the public interest and that a concern raised appears to relate more appropriately to other University procedures (e.g. those relating to complaints, grievances or discipline), these will be invoked and the concern will be investigated under the appropriate procedure.

3. Safeguards

3.1. Protection

This policy is designed to offer protection to members of the University who disclose such concerns provided the disclosure is made:

- in the reasonable belief that it is in the public interest to do so; and
- in the reasonable belief of the member of the University making the disclosure that the disclosure is true,

to an appropriate person/body (see section 4 below).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. If a member of the University believes they have tried to use this whistleblowing procedure, but that the University

has not followed it, they should submit evidence of the fact to the HR Director (or alternate) as soon as possible so that they can consider how to proceed.

Members of the University should, however, note that they are not entitled to make a disclosure if in so doing they commit a criminal offence.

3.2. *Confidentiality*

The University will treat all disclosures, insofar as is possible, confidentially. The identity of the member of the University making the disclosure may be kept confidential as long as it does not hinder or frustrate any investigation. Where it would not be possible to conduct a full investigation without the identity of the discloser becoming known, the University will discuss with that individual how their disclosure can be investigated and taken forward. The final decision on how to proceed will be for the University to make, and its actions will be guided by the principle that the individual who made the disclosure will not be penalised for having done so.

It is likely that an investigation will be necessary and the member of the University who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness) and/or provide a statement as part of the evidence that may be necessary. All steps will be taken to ensure that a discloser's working relationships or studies are not prejudiced by the fact of the qualifying disclosure.

3.3. *Anonymous Disclosures*

This policy encourages members of the University to put their name to any disclosures they make. Disclosures expressed anonymously are much less powerful, but they may be considered at the discretion of the University.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- whether there is sufficient information provided in the disclosure to permit an investigation;
- the likelihood of being able to confirm the disclosure from attributable other sources; and
- whether it is possible, acting reasonably, to establish that the anonymous disclosure is made on the basis of reasonable belief.

Proper investigation may be more difficult or impossible if the University cannot obtain further information from the source of the disclosure. It is also more difficult to establish whether disclosures have been made in good faith and based on a reasonable belief in their accuracy. Whistleblowers who are concerned about revealing their identity or it being revealed as a part of the investigation, may discuss their concerns in confidence with the University Secretary.

3.4. *Untrue Allegations*

If a member of the University makes an allegation which they reasonably believe is in the public interest to do so, but which is not confirmed by subsequent investigation, no action will be taken against that individual.

If, however, the University reasonably concludes that a member of the University has made malicious or vexatious allegations, or that the member of the University made disclosures which they did not substantially believe to be true, then the University reserves the right not to treat such a disclosure as a “qualifying disclosure”. It will constitute a potential disciplinary offence to be investigated in accordance with the University’s relevant disciplinary policy and procedures and, if the individual is an employee, may constitute gross misconduct for which summary dismissal is the sanction.

4 Procedures for Making a Disclosure

While the organisation hopes that such disclosures will never be necessary, it also recognises that it may find itself in circumstances which are new to it. Each case will be treated on its own facts. However, the prescribed procedures in this policy will be followed with the aim of achieving consistency and fairness.

4.1. *Initial Step*

If a member of the University wishes to raise or discuss any issues which might fall into one of the categories listed in clause 2.2 above, they should contact the University Secretary. The information should usually be submitted in writing and in as much detail as possible. If the person making the disclosure does not feel able to put their concerns in writing, they should arrange to meet with the University Secretary. If the University Secretary is absent, or if the concern relates to the University Secretary, contact should be made with the Director of Human Resources. If the Director of Human Resources is also absent, or if the concern relates to the Director of Human Resources, contact should be made with the Chief Operating Officer. The University will provide a dedicated email address to which disclosures can be made (whistleblowing@greenwich.ac.uk).

The University Secretary (or alternate) will then inform the Vice-Chancellor, or the Chair of the Governing Body where the disclosure relates to the Vice-Chancellor.

Where the concern is related to child protection issues, vulnerable adults or radicalisation, the matter should be reported in accordance with the process set out in the University’s [Safeguarding Policy](#) it may also be reported within the scope of this Policy.

4.2. *Process*

The University Secretary (or alternate) will inform the chair of the Audit and Risk Committee when a disclosure is received.

The University Secretary (or alternate) will firstly hold a meeting with the whistleblower then consider the information made available and decide on the balance of probabilities whether there is a case to answer. The University Secretary will decide whether an investigation should be conducted and what form it will take, including who

should conduct the investigation. The chosen investigator will be selected on the basis that they have no conflict of interest in the matter. This selection will depend on the nature of the matter raised. The matter may be:

- investigated internally
- referred to the police
- referred for an independent inquiry
- referred to the External or Internal Auditors
- referred for investigation under another more appropriate procedure (see 2.2)

The University Secretary (or alternate) may instigate an initial investigation to establish the relevant facts. The investigator will report to the University Secretary (or alternate) who will then decide if there is a case to answer, and what procedure to follow.

4.3. *Investigation*

Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively as possible, and within a reasonable time, given all the circumstances. The whistleblower will usually be offered an interview with then investigator within 10 working days.

Where a disclosure is made, and providing that it would not prejudice any investigation which must take priority such as by the police, the person or persons against whom the disclosure is made will be told of it, the evidence supporting it and will be allowed to respond. Where it is reasonable and practicable to do so, the whistleblower will receive updates on progress.

Any person undertaking an internal investigation must keep a note of:

- i. any confidentiality and/or anonymity undertakings that have been given to the whistleblower;
- ii. the dates, times and nature of any investigations undertaken;
- iii. details of and statements given by any witnesses;
- iv. details of any response by the person or persons against whom the disclosure is made; and
- v. the conclusion reached as to whether or not the disclosure is confirmed, or whether further enquiry, or other action is required

The outcome of the investigation will be reported to the University Secretary (or alternate) who will decide what further action should be taken: e.g. whether another University procedure (such as the disciplinary procedures) should be invoked or the matter reported to an appropriate regulatory body.

4.4. *Feedback*

Where reasonable and possible, the University Secretary (or alternate) should inform the whistleblower in writing of what action, if any, is to be taken. If no action is to be taken then the individual concerned should be informed of the reason for this. There may be certain situations where the discloser may not be informed of the outcome, for example where such information may prejudice personal privacy or other investigations or actions, such as safeguarding. If the disclosure was made by a student, and no

further action is proposed under another University procedure, the student will be issued with a Completion of Procedures letter.

4.5. *Appeals*

If the whistleblower or the person who is the subject of the allegation does not agree with the outcome, or has concerns about how the disclosure has been handled, they may submit their concerns to the University's General Counsel. (Where the University's General Counsel has had substantial prior involvement or otherwise considers it necessary, an external lawyer may be appointed to review the grounds of appeal instead.) An appeal must be in writing, and must be submitted to the General Counsel no later than four weeks after they were advised of the outcome. Grounds for appeal will be limited to:

- 4.5.1 the discovery of new information not available to the person making the disclosure at the time of the first investigation and decision;
- 4.5.2 procedural irregularities in the way that the disclosure was investigated or the outcome decision was taken, such as a person acting outside the authority given to them by this policy; or
- 4.5.3 evidence of prejudice, bias or unreasonable decisions by the investigator or person deciding the outcome.

The University's General Counsel (or alternate) may seek further information if they consider it necessary. Within a reasonable timeframe, they must provide a written decision, with reasons, to the parties involved in the appeal. The appeal outcomes may include upholding the outcome decision, requiring the matter to be reinvestigated and/or redecided, or substituting a different outcome decision. The appeal decision will be final, and not subject to review or appeal within the University.

5. *Reporting of Outcomes*

- 5.1 The University Secretary will be responsible for providing a regular written report to the Audit and Risk Committee, summarising any disclosures made pursuant to this policy as a means of allowing the Committee to monitor the effectiveness of the procedure on behalf of the Governing Body. The Audit and Risk Committee will be responsible for overseeing that the University has taken any appropriate actions arising from a disclosure, and, if necessary, for escalating matters of concern to the Governing Body.

6. **External Disclosure**

- 6.1 If the person making the disclosure is not satisfied with the University's response, they may raise the matter directly with one of the [prescribed third parties nominated by the UK government](#), such as the Health and Safety Executive (for safety matters) or HMRC (for tax matters). If the disclosure relates to a criminal matter, the whistleblower may contact the police directly. Students may refer the matter to the Office of the Independent Adjudicator for Higher Education, if a Completion of Procedures letter has been issued. Whistleblowers can obtain advice from [Protect](#) (a charity which provides confidential advice to whistleblowers).
- 6.2 Where the University believes that the disclosure relates wholly or mainly to a matter between a whistleblower and a third party, such as one of the University's suppliers of services, the University reserves the right to pass on such concerns to the relevant

supplier, after having discussed their plans to do so with the whistleblower and having taken account of their wishes for confidentiality.

7. **General provisions**

- 7.1 The University will regularly review its training and procedures to ensure that people feel supported and confident in making disclosures under this policy.
- 7.2 People making disclosures pursuant to this policy may be accompanied by a friend, colleague or representative of one of University's recognised staff or student unions.
- 7.3 People making disclosures pursuant to this policy may wish to consider seeking welfare support from (as applicable) the HR team, the Student Wellbeing Service, the Employee Assistance Programme, the University's recognised staff or student unions, and/or Protect, the whistleblowers' charity.
- 7.4 Where a person making a disclosure pursuant to this policy feels they have suffered a detriment, they should inform the University Secretary (or alternate) without delay.
- 7.5 The University does not and will not use non-disclosure agreements or clauses which compromise a person's right to make public interest disclosures either to the University or directly to the prescribed third parties nominated by government.

Related policies include:

- [Anti-Bribery Policy](#)
- [Anti-Money Laundering Policy](#)
- [Counter-fraud policy](#)
- [Safeguarding Policy](#)

This policy is maintained by the University Secretary on behalf of the Audit and Risk Committee, and is reviewed at least every three years. Feedback on this policy should be provided to universitysecretary@greenwich.ac.uk

Approved by the Governing Body on 24 November 2021.